



cc: DPC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Masahiro Ohishi, et al.
Serial No. : 09/558,562
Filed : April 26, 2000
For : DISTANCE MEASURING SYSTEM
Examiner : Thomas, Courtney
Art Unit : 2882
Attorney Docket No. : 463P065

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Robert C. Frame
Name of applicant, assignee, or Registered Representative

Robert C. Frame
Signature

October 18, 2004
Date

REQUEST FOR REDUCTION OF PATENT TERM ADJUSTMENT

Sir:

The applicant respectfully requests a reduction of the patent term adjustment for the above-identified application. This petition is being made in accordance with 37 CFR 1.56. This patent is not subject to a terminal disclaimer.

The patent term adjustment indicated on the Notice of Allowance is 91 days, which the applicant agrees is correct. However, the patent term adjustment indicated on the Notice of Issuance is 91 days. The applicant believes that this term should be 0 days, as explained below.

On October 30, 2003, the Examiner mailed the Notice of Allowability for the above referenced application. On November 10, 2003, a certified copy of the Japanese patent, upon which the United States patent application sought priority, was submitted. The receipt of this submission is

shown in the "Image File Wrapper" section of the PAIR system. However, the receipt of these documents is not reflected on the "Patent Term Adjustment" section of the PAIR system. On September 14, 2004, the Examiner mailed an acknowledgment of priority papers, as reflected in both the "Image File Wrapper" and "Patent Term Adjustment" sections of PAIR. However, since the "Patent Term Adjustment" section of PAIR did not have the entry associated with the receipt of these papers, no deduction was made. Pursuant to CFR 1.704(c)(10), the period of adjustment shall be reduced by the lesser of:

- (i) the number of days between the filing of the priority papers and the mailing of an acknowledgment of those papers, or
- (ii) 120 days.

In this case, the previously calculated term of 91 days should have been reduced by 120 days, yielding a correct patent term adjustment of 0 days.

In view of these events, the applicant respectfully requests a reduction of the patent term adjustment in view of the afore-mentioned.

Respectfully submitted,



Robert C. Frame

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PTO/SB/21 (09-04)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number 09/558,562
		Filing Date April 26, 2000
		First Named Inventor Masahiro Ohishi
		Art Unit 2882
		Examiner Name Thomas, Courtney
Total Number of Pages in This Submission 3		Attorney Docket Number 463P065

ENCLOSURES *(Check all that apply)*

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input checked="" type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): -Request For Reduction of Patent Term Adjustment
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Nields & Lemack		
Signature			
Printed name	Robert C. Frame		
Date	October 18, 2004	Reg. No.	54,104

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Robert C. Frame	Date	October 18, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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